

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

Robert Ward, *on behalf of himself
and all others similarly situated,*

Plaintiff,

v.

Flagship Credit Acceptance, LLC,

Defendant.

Civil Action No.: 2:17-cv-02069-MMB

**DECLARATION OF CLASS NOTICE AND
CLAIMS PROCESSING**

I, Christina Peters-Stasiewicz, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am Vice President of Class Experts Group, LLC (“CEG”). CEG is a provider of litigation support services with primary focus on data management, analysis. The matters stated herein are based upon my personal knowledge or matters known or reasonably available to me.
2. I submit this declaration to provide information regarding the class action notice and claims administration proceedings related to above-captioned action.
3. CEG was retained to serve as settlement administrator in the above-referenced action (the “Action”).

CLASS NOTICE

4. Shortly before December 2018, CEG received from Flagship Credit Acceptance, LLC (“Flagship”) the file of class telephone numbers, names and addresses. The file included 428,113 records (the “Source Data”).
5. The Source Data was reviewed for duplicate records so that each class member would receive only one notice and claim form (the “Notice”). After removing duplicate records that had exact-matching customer identification number, name, and address there were 329,198 records remaining (the “Class Data”).

6. The addresses of the Class Data were next standardized, checked against the National Change of Address (NCOA^{LINK}) database maintained by the United States Postal Service (USPS), and run through the USPS' Delivery Point Validation (DPV) and Coding Accuracy Support System (CASS). Through this process, it was possible to know which addresses would be undeliverable according to the USPS ("Nixies").

7. For the Nixies, CEG coordinated a process of reverse-append to locate an updated and/or alternate address. There were 8,270 unique telephone numbers submitted for the reverse-append processing. As a result of this processing, addresses were updated for 6,996 records.

8. After all of the names and addresses were compiled there were 327,924 names and addresses located for Class Members (the "Mailing List").

9. On or about December 2, 2018, CEG caused the Notices to be printed and mailed to the Class Members on the Mailing List via First-Class Mail, postage prepaid. A copy of the Notice is attached hereto as Exhibit A.

10. As of March 15, 2019, there have been 35,477 Notices returned by the USPS as undeliverable. For those 592 Notices returned with forwarding addresses, CEG coordinated re-mailing to the forwarding addresses.

11. For the remaining Notices without forwarding addresses, CEG coordinated advanced address updating through LexisNexis and TransUnion. As a result, there were 23,114 updated addresses identified and Notices were re-mailed thereto.

12. As of March 15, 2019, there are 316,153 Notices mailed or re-mailed without being returned undeliverable. This represents approximately 96% of the 329,198 Class Data records.

TOLL-FREE TELEPHONE NUMBER AND WEBSITE

13. Prior to the Notice mailing, a toll-free telephone number was established with an automated

message system and voicemail capability. The toll-free telephone number was listed in the Notice.

14. As of March 15, 2019, more than 2,056 calls were made to the toll-free number.

15. Prior to the Notice mailing, the website FlagshipTCPAsettlement.com was established. The website includes general information, court documents, the long-form Notice (attached here as Exhibit B), and an online claim form. The website has been visited more than 210,600 times.

EXCLUSION REQUESTS

16. Exclusion requests were to be postmarked no later than February 25, 2019. As of March 15, 2019, CEG has received four exclusion requests.¹ The names and addresses of the individuals requesting exclusion were provided to counsel.

CLAIM PROCESSING

17. Claim forms were to be mailed to the address listed in the Notice postmarked no later than February, 25, 2019, or submitted online by the same date.

18. As of March 19, 2019, there have been 118,924 claim forms received. CEG has completed its preliminary review of these claims and has (1) identified 17,557 duplicate forms submitted by the same individual, (2) verified 57,318 claim forms as valid claims (3) identified 33,318 forms which could not be verified to the Class Data (either by complete name of claimant, telephone number, or class identification number) and (4) reports that 10,731 claims remain in process and undergoing further review and audit.

19. A preliminary estimate of the payment per non-duplicative, processed claim (using an estimated net settlement fund of \$2,488,739.67 and 57,318 claims) shows that the estimated payment on each such claim would be \$43.41. If half of the still-in-process claims are non-duplicative and eligible claims, the estimated per-claim payment would be approximately

¹ Mail related to the Settlement continues to be received. CEG will keep the parties informed regarding the ongoing claims submissions and exclusion requests, if any.

\$39.70. This approximate \$40-\$60 range is consistent with common per-claim payments calculated in similar call-based settlements.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED at Milwaukee, Wisconsin this 19th day of March, 2019.

A handwritten signature in black ink, appearing to read "Christina Peters-Stasiewicz", written over a light gray rectangular background.

Christina Peters-Stasiewicz

Exhibit A



NOTICE FROM
UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
PENNSYLVANIA
(not a lawyer solicitation)

A Settlement Agreement has been reached in a class action lawsuit alleging that Flagship Credit Acceptance LLC ("Flagship") used automatic telephone dialing systems and/or prerecorded voices to call cellular phones in violation of the Telephone Consumer Protection Act. Flagship's records show that you may have received these calls and may be entitled to payment under the Settlement Agreement reached in the case.

A settlement fund of \$4,000,000.00 has been established to pay valid claims, attorney's fees, costs, any incentive award to the Class Representative and settlement administration costs. You may be entitled to receive an equal share of the fund. The final cash payment for Class Members will depend on the total number of valid and timely claims filed by all Class Members. Your legal rights are affected whether you act or don't act so read this notice carefully.

This Postcard Notice contains limited information about the Settlement. For more information or to submit an online Claim Form, visit FlagshipTCPASettlement.com

FLAGSHIP TCPA SETTLEMENT
CLAIMS ADMINISTRATOR
PO BOX 205
CLAYSBURG, PA 16625-0205

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE
PAID
CLAYSBURG, PA
PERMIT #6

If you wish to participate in the Settlement, please complete, sign, and return this Settlement Claim Form or submit an Online Claim Form.

For Official Use Only

You must complete and submit a Claim Form by February 25, 2019. You may submit a Claim Form online at FlagshipTCPASettlement.com or by completing and submitting this Claim Form to receive your share. The final amount per Class Member will depend on the total number of valid Claim Forms received and how the Court distributes the Settlement Fund.

Claim Number (from the front of the postcard)

Cell Phone Number at which you received the call
(must complete if you do not have a Claim Number)

Name

Phone Number (optional)

Address

Email (optional)

City, State Zip

Certification

By signing and submitting this Claim Form, I certify and affirm under the laws of the United States that the information I am providing is true and correct to the best of my knowledge and belief, I am over the age of 18 and I wish to claim my share of the Settlement Fund.

Signature: _____

Date: _____

Robert Ward v. Flagship Credit Acceptance LLC, 17-cv-02069 (Eastern District of Pennsylvania)

THIS CARD PROVIDES LIMITED INFORMATION ABOUT THE SETTLEMENT. VISIT FlagshipTCPASettlement.com FOR MORE INFORMATION. In the lawsuit, the Plaintiff alleges that Flagship violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, when it called him on his cellular telephone using an automatic telephone dialing system and/or a prerecorded voice. Flagship denies any wrongdoing, denies that it did not have prior express consent and denies that it violated the Telephone Consumer Protection Act or any other law. Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation. You can read Plaintiff's Complaint, the Settlement Agreement, other case documents, and submit a claim form at FlagshipTCPASettlement.com.

Who's Included in the Settlement Class? All persons whom Flagship called on their cellular telephone through the use of any version of a TCN, LiveVox or Aspect dialing system and/or with an artificial or prerecorded voice at any time from May 5, 2013, to September 18, 2018.

What Can You Get? Class Members who submit a valid and timely Claim Form are entitled to a share of the Settlement Fund. The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Each claiming Class Member will be entitled to an equal share of the Settlement Fund (\$4,000,000.00), after deductions from the fund for administrative costs, attorney's fees and expenses, any incentive award to the Class Representative (Robert Ward). The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. The Settlement is explained in detail in the Full Notice and in the Settlement Agreement available at FlagshipTCPASettlement.com.

How to Get Money? To qualify for payment, you must submit a valid Claim Form to Flagship TCPA Settlement, PO Box 205, Claysburg, PA, 16625-0205 or submit an Online Claim Form by **February 25, 2019**.

Your Other Rights. If you do not want to be legally bound by the Settlement, you must exclude yourself by **February 25, 2019**, or you will not be able to sue the Defendant for any claims relating to this case. If you exclude yourself, you cannot get money from this Settlement. If you stay in the Settlement Class, you may object to the Settlement by **February 25, 2019**. The Full Notice, located at the website listed below, explains how to exclude yourself from, or object to, the Settlement. The Court will hold a hearing in this case on March 26, 2019, at 2:00 p.m. in Courtroom 3A of the Honorable Michael M. Baylson, U.S. Courthouse, Eastern District of Pennsylvania at 601 Market Street, Philadelphia, PA, 19106 to consider whether to approve the Settlement, Plan of Allocation, and a request by Class Counsel for up to a third of the Settlement Fund in attorneys' fees and expenses. You may attend the hearing and ask to be heard by the Court, but you do not have to.

You may retain your own lawyer at your expense. If you retain your own attorney, they may attend the fairness hearing and appear in this action on your behalf.

If you do not take any action, you will be legally bound by the Settlement and any orders or judgments entered in the Action, and will fully, finally, and forever give up any rights to prosecute certain claims against the Defendant.

For more information or a Claim Form: 844-663-7657 or FlagshipTCPASettlement.com

Do not contact the Court, Defendant or its counsel with questions. You may contact Class Counsel at 844-663-7657.



AFFIX
POSTAGE
HERE

FLAGSHIP TCPA SETTLEMENT
c/o Claims Administrator
PO BOX 205

CLAYSBURG, PA 16625-0205



Exhibit B

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

-----X
Robert Ward, *on behalf of himself and all others*
similarly situated,

Plaintiff,

v.

Flagship Credit Acceptance LLC,

Defendant.
-----X



**NOTICE REGARDING RIGHT TO BENEFIT FROM
CLASS ACTION SETTLEMENT**

A Settlement Agreement has been reached in a class action lawsuit alleging that Flagship Credit Acceptance LLC (“Defendant” or “Flagship”) used an automatic telephone dialing system and/or prerecorded voices to call cellular telephones in violation of the Telephone Consumer Protection Act. Flagship’s records show that you may have received these calls and may be entitled to payment under the Settlement Agreement reached in the case.

A Settlement Fund of \$4,000,000.00 has been established to pay valid claims, attorney’s fees, costs, any incentive award to the Class Representative (Robert Ward) and settlement administration costs. You may be entitled to receive a share of the fund. The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Your legal rights are affected whether you act or don’t act so read this notice carefully.

YOUR OPTIONS	
Option 1: Submit a Claim Form Deadline: February 25, 2019	Complete and submit a Claim Form and receive a share of the Settlement Fund By completing and submitting a Claim Form you may recover an equal share of the Settlement Fund. This is the only way to claim and receive from the Fund.
Option 2: Ask to be Excluded Deadline: February 25, 2019	Get out of this lawsuit and get no benefits from it You may ask to be excluded from the lawsuit. By excluding yourself, you cannot recover as part of this Settlement and you keep a right to sue on your own.
Option 3: Object to the Settlement Deadline: February 25, 2019	Object to the terms of the Settlement Agreement You may object to the terms of the Settlement Agreement and have your objections heard at the Fairness Hearing.

1. What is this lawsuit about?

In the lawsuit, the Plaintiff alleges that Flagship violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 when it called him on his cellular telephone using an automatic telephone dialing system and prerecorded voices without consent. Plaintiff alleges that Flagship was calling his number searching for someone else and continued to call him after he informed Flagship it was calling the wrong number and asked it to stop.

Flagship denies any wrongdoing, denies that it did not have prior express written consent and denies that it violated the Telephone Consumer Protection Act or any other law.

Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation.

You can read Plaintiff's Complaint, the Settlement Agreement, other case documents, and submit a claim form at FlagshipTCPASettlement.com.

2. Why is this a class action?

In a class action, a Class Representative (in this case, plaintiff Robert Ward) sues on behalf of a group (or a "Class") of people. Here, the Class Representative sued on behalf of people who have similar claims regarding automated calls to their cellular telephones by Flagship.

3. Why is there a settlement?

To avoid the cost, risk, and delay of litigation, the Parties reached a settlement agreement as to Plaintiff's and the Class claims.

4. How do I know if I am a part of the Settlement?

For settlement purposes, the Court has certified a Class consisting of all people who meet the following definition:

All persons whom Flagship called on their cellular telephone through the use of any version of a TCN, LiveVox or Aspect dialing system and/or with an artificial or prerecorded voice at any time from May 5, 2013 to September 18, 2018.

5. How do I recover?

Submit a Claim Form. This is the only way to get a payment. You have the right as a member of the Settlement Class to receive an equal share of the Settlement Fund.

The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Each claiming Class Member will be entitled to an equal share of the Settlement Fund, after deductions from the Fund for administrative costs, attorney's fees and expenses and any incentive award to the Plaintiff.

You can submit a claim form online at FlagshipTCPASettlement.com.

Or, you can download the Claim Form online and mail it to: Flagship TCPA Settlement, PO Box 205, Claysburg, PA 16625-0205.

All claim forms must be mailed or filed online no later than February 25, 2019.

After all valid Claim Forms are counted, the Settlement Administrator will provide each claiming Settlement Class Member their share of the Settlement Fund after the deductions above. Any excess settlement funds or benefit checks not cashed by Settlement Class Members will be provided to a charitable organization. The parties have recommended the JumpStart Coalition for Personal Financial Literacy as an appropriate organization.

6. What am I giving up to receive these benefits?

By staying in the Class, all of the Court's orders will apply to you, and you give Flagship a "release." A release means you cannot sue or be part of any other lawsuit against Defendant about the claims or issues in this lawsuit and you will be bound by the Settlement Agreement.

7. How much will the Class Representatives receive?

The Class Representative will receive his portion of the settlement as a Class Member and a payment of up to \$10,000 as an incentive award for having pursued this action. Any incentive payment is subject to Court Approval. The Class Representative will file a motion for his incentive award by March 12, 2019.

8. Do I have a lawyer in this case?

To represent the class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897 as Class Counsel.

Class Counsel will request an award of attorney's fees and expenses from the Court of up to a third of the Settlement Fund. Any attorney's fee and expense award is subject to Court Approval.

Class Counsel will make their request for attorney's fees and expenses by March 12, 2019.

You may hire your own attorney to represent you in this matter. Your counsel may appear on your behalf at the Fairness Hearing. If you retain your own counsel, such retention will be at your own expense.

9. I don't want to be part of this case, how do I ask to be excluded?

If you don't want a payment from this Settlement, but you want to keep the right to individually sue the Defendant about the issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself, or "opting out," of the Settlement Class. To exclude yourself, you must send a letter by mail that (i) states your full name, address and telephone number, (ii) contains the cellular telephone number as to which you seek exclusion, (iii) contains your signature or the signature of the person authorized by law to sign on behalf of the Class Member, and (iv) states unequivocally that the Class Member's intent is to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

You must mail your exclusion request postmarked no later than February 25, 2019, to: Flagship TCPA Settlement, Attn: Exclusions, PO Box 205, Claysburg, PA 16625-0205.

10. How do I object?

Any Settlement Class Member who has not requested to be excluded from the Settlement Class may object to the Settlement. In order to exercise this right, you must submit your objection to the Settlement Administrator and the Court. Class Counsel will file any objections submitted to the administrator with the Court. Your objection must (i) set forth the Settlement Class Member's full name, current address, and telephone number; (ii) identify the cellular telephone number of the Settlement Class Member that brings him or her within the scope of the Settlement Class; (iii) contain the Settlement Class Member's original signature or the signature of counsel for the Settlement Class Member; (iv) state that the Settlement Class Member objects to the Settlement, in whole or in part; (v) set forth a statement of the legal and factual basis for the Objection; and (vi) provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position.

Class Counsel and the Class Representative will move for attorney's fees and expenses and any incentive award, respectively, by March 12, 2019. To view the motion for attorney's fees and expenses or for an incentive award you may (1) access them on this Settlement website FlagshipTCPASettlement.com under "Court Documents" where they will be posted upon filing or (2) by appearing in person during regular business hours at the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania at 601 Market Street, Philadelphia, PA, 19106 or (3) by reviewing the motions online through the Public Access to Court Electronic Resources System (PACER), available online at Pacer.gov.

To submit an objection, mail your objection to the Settlement Administrator by February 25, 2019, to address: Flagship TCPA Settlement, Attn: Objections, PO Box 205, Claysburg, PA 16625-0205.

The Fairness Hearing

The Court will hold a fairness hearing on March 26, 2019, at 2:00 p.m. in Courtroom 3A of the U.S. Courthouse, Eastern District of Pennsylvania at 601 Market Street, Philadelphia, PA, 19106. The purpose of the hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Class and to rule on applications for compensation for Class Counsel and an incentive award for the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement.

You may appear at the Fairness Hearing. If you retain your own counsel, they may appear on your behalf.

YOU ARE NOT REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT. The hearing may be postponed to a later date without notice.

FOR MORE INFORMATION

Additional documents, including case documents, are available at FlagshipTCPASettlement.com and all papers filed in this action are available through the Public Access to Court Electronic Resources System (PACER), available online at Pacer.gov.